













# DEPARTMENT OF THE ARMY USACHRA, NORTHEAST REGION CIVILIAN PERSONNEL ADVISORY CENTER ABERDEEN PROVING GROUND, MARYLAND 21005-5001

CIVILIAN PERSONNEL BULLETIN

December 2004

No. 2-04



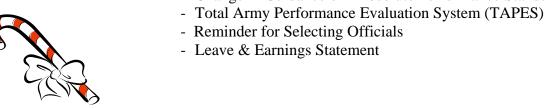
# IN THIS ISSUE

- Leave Transfer Program
- Leave Status During Activity Closing
- Emergency Contact Data
- Civilian Employees' Right to Union Representation
- Thrift Savings Plan Open Season
- Prohibited Personnel Practices
- The Work Number for Everyone
- Non-appropriated Fund Employees
- Designation of Beneficiaries
- Civilian Deployment/Mobilization



# **Supervisor's Corner:**

- Changes in Processing Incentive Awards
- Honorary Awards
- Change in Guidance on "Absolute Performance Standards"

























# LEAVE TRANSFER PROGRAM

As the leave year draws to an end on January 8, 2005, many employees find themselves with annual leave they are unable to use. The Voluntary Leave Transfer Program, or VLTP, offers employees a means to transfer, or donate, their leave to a fellow employee with medical emergencies.

Donations may be made to any qualified federal employee (a local list is printed every other week in the APG News). To be eligible for donations, a federal employee must have exhausted both their annual and sick leave balances in accordance with the program.

In order to donate to a local employee, the donor must complete the OPM Form 630-A (Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program) indicating the intended recipient and number of hours to be donated. This form should be submitted to the Civilian Personnel Advisory Center.

To donate to a federal employee from an outside agency, the donor must complete the OPM Form 630-B (Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program) indicating the intended recipient and number of hours to be donated. This form should also be submitted to the Civilian Personnel Advisory Center.

By law, annual leave is the only leave allowable for transfer/donations (Title 5 Code of Federal Regulations, Part 630). Leave donations are not tax deductible. In a leave year, a leave donor may donate no more than a total of one-half of the amount of annual leave he or she would be entitled to accrue during the leave year, in which the donations are made. The limitations on donating leave, as cited above, can be waived if the donor is a family member of the recipient. If the employee is in the eight-hour leave category, the maximum that can be donated is 104 hours; in the six-hour category, 78 hours; and in the four-hour category, 52 hours.

Leave donations must be submitted by December 31, 2004, to ensure timely processing. Completed forms may be faxed to 410-278-7652.

For more information, call Ronda McKinney, 410-278-8988, or email ronda.mckinney@apg.army.mil.

"When your work speaks for itself, don't interrupt."

# **LEAVE STATUS DURING ACTIVITY CLOSING**

With the coming of winter's snow and ice, it may be helpful to know about some of the rules that govern base closings and the use of leave. So, grab a cup of hot chocolate or coffee and find out when you will and will not be charged for taking leave!

- 1. If the activity closed <u>during duty hours</u> whether an eligible employee should or should not be charged annual leave depends on his/her duty or leave status at the time of dismissal, except "essential employees" determined as follows:
- a. If the employee was on duty when the activity closed, there is no charge to leave for the remaining hours of the tour of duty following dismissal;



- b. If the employee was on scheduled leave for the entire day (annual leave, sick leave), the entire absence is charged to the appropriate leave category;
- c. If the employee was on duty and departed on leave after official word was received, but before the time set for dismissal, leave is charged only from the time the employee departed until the time set for dismissal;
- d. If the employee was scheduled to report for duty after an initial period of leave (e.g., sick leave for a medical appointment) and dismissal is given before the employee can report, leave is charged until the time set for dismissal.
- 2. If the activity closed before the start of the workday and:
- a. The decision to close is made <u>during the off-duty hours</u>, and employees are advised that the activity will be closed for the <u>entire day</u>, all employees are placed on administrative leave, regardless of what their leave status was to have been for the day.
- b. The installation or an activity was temporarily closed prior to the beginning of the employee's tour of duty and subsequently opens, the employee who requested leave for the remainder of the day, would be charged the amount of leave from when the installation opened to the end of his/her tour of duty.

For situations not covered above, contact your CPAC HR Specialist. For installation status, contact the APG Operations Center Snow/Emergency Hotline, 3-Snow or 410 278-7669.

I haven't failed. I've found 10,000 ways that won't work."

Benjamin Franklin

#### EMERGENCY CONTACT DATA

All Appropriated and Non-appropriated Fund civilian employees, who are US citizens, are encouraged to enter their emergency contact data in the Emergency Contact Data database. A screen consisting of the necessary data elements is available for you to complete on the Army website, <a href="https://cpsapp2.belvoir.army.mil/emercontact/default.asp">https://cpsapp2.belvoir.army.mil/emercontact/default.asp</a> or via <a href="http://cpol.army.mil">http://cpol.army.mil</a>. If you have already entered your data, be sure to update the information at least once a year. Keeping this information current will insure it is accurate and will be readily available in the event of an emergency or death.

The information you provide will be stored and made available to only authorized individuals directly involved in the actual process of notifying your emergency contact(s) and processing or assisting with the necessary documents in the event of injury or death. Disclosure of this information is voluntary; however, failure to provide the information may result in a delay or suspension of the notification of an emergency contact in the event of an emergency or death.

Contact your servicing CPAC HR Specialist if you have any questions.

"A real friend is one who walks in when the rest of the world walks out."

# <u>CIVILIAN EMPLOYEES' RIGHTS TO UNION REPRESENTATION</u>

The Civil Service Reform Act of 1978 requires that employees represented by unions be notified annually of their right to union representation at any examination by a representative of the agency in connection with an investigation if the employee reasonably believes the examination may result in disciplinary action. This notice constitutes the required notification for 2005. The text of the law is as follows: Section 7114(a)...



"(2) An exclusive representative of an appropriate unit in any agency shall be given the opportunity to be represented at any examination of an employee in the unit by a representative of the agency in connection with an investigation if (I) the employee reasonably believes that the examination may result in disciplinary action against the employee; and (II) the employee requests representation."

"Don't find fault, find a remedy." Henry Ford

#### THRIFT SAVINGS PLAN OPEN SEASON

Thrift Savings Plan (TSP) Open Season will be held from 15 October 2004 to 31 December 2004. During the open enrollment period, employees may elect to enroll in TSP or change their current TSP deduction.

Thrift Savings Plan Open Season Update Pamphlets will be distributed to agency administrative offices upon receipt in the CPAC.

Contribution rates will max out this open season. FERS employees may contribute up to 15% of basic pay and CSRS employees may contribute up to 10% of basic pay. The IRS annual limit for 2005 is \$14,000.

Employees must contact the Army Benefits Center-Civilian (ABC-C) at 1-877-276-9287 or <a href="https://www.abc.army.mil">https://www.abc.army.mil</a> to enroll in TSP or change the amount of their contribution. Employees must also contact the TSP Office at 1-504-255-8777 or <a href="www.tsp.gov">www.tsp.gov</a> if they wish to change their fund allocation. Personal Identification Numbers (PINs) are required for both ABC-C and TSP.

Employees who wish to change the way their current balance is invested must request a TSP Interfund Transfer. Interfund transfers can be made by calling TSP, using the website or completing a TSP-50. The TSP-50 is available from your servicing Human Resources Assistant.

Point of contact for this information is your servicing CPAC HR Specialist.

"No amount of riches can atone for poverty of character."

#### PROHIBITED PERSONNEL PRACTICES

The head of each agency is responsible for the prevention of prohibited personnel practices, compliance with and enforcement of applicable civil service laws, rules, and regulations, and other aspects of personnel management, and ensuring that agency employees are informed of the rights and remedies available to them under 5 U.S.C. Chapters 12 and 23. Any individual to whom the head of the agency delegates authority for personnel management, or for any aspect thereof, is similarly responsible within the limits of the delegation. This notice is intended to meet this statutory notification requirement for the activities and civilian employees serviced by the Aberdeen Proving Ground Civilian Personnel Advisory Center. The below chart, published by the US Office of Special Counsel, explains these rights. Questions may be directed to your servicing personnel representative.



Prohibited personnel practices are those things a Federal employee with personnel authority <u>may not</u> do. A Federal employee has personnel authority if they can take, direct others to take, recommend, or approve any personnel action. This includes appointments, promotions, discipline, details, transfers, reassignments, reinstatements, or any decisions concerning pay, benefits, and training. Recent changes to the law were made to protect Department of Defense veterans. A personnel action now also includes any significant change in duties, responsibilities, or working conditions, which is inconsistent with the employee's salary or grade. People with personnel authority – managers and supervisors – are charged with avoiding prohibited personnel practices.

Your rights, as a federal employee, are enforced by the US Office of Special Counsel. The Office of Special Counsel (OSC) is an independent agency that investigates and prosecutes allegations of Prohibited Personnel Practices (PPP) listed below. A federal employee authorized to take, direct others to take, recommend or approve any personnel action may not:

- \* Discriminate (including discrimination based on marital status and political affiliation). EXAMPLE: Supervisor Joe refuses to promote Employee Jane because Jane is a registered Republican. (OSC will generally defer Title VII discrimination allegations to the EEO process, rather than duplicating already existing procedures
- \* Solicit or consider employment recommendations based on factors other than personal knowledge or records of job-related abilities or characteristics. EXAMPLE: Selecting Official Joe hires Applicant Jack based on Senator Smith's recommendation that Jack be hired because Jack is a constituent.
- \* Coerce the political activity of any person, or take action against any employee as reprisal for refusing to engage in political activity. EXAMPLE: Supervisor Jane takes away significant job duties of Employee Jack because Jack will not make a contribution to Jane's favorite candidate.
- \* Deceive or willfully obstruct any person from competing for employment. EXAMPLE: Supervisor Joe, located in Headquarters, orders that no vacancy announcements be posted in the field office where Employee Jack works because he does not want Jack to get a new job.
- \* Give an unauthorized preference to a person to improve or injure the employment prospects of any particular employee or applicant. EXAMPLE: Supervisor Jane specifies that Spanish-speaking skills are necessary for a vacant position, for the purpose of selecting Employee Jack, who speaks fluent Spanish. The position, however, does not require Spanish-speaking skills.
- \* Influence any person to withdraw from competition for a position to improve or injure the employment prospects of any other person. EXAMPLE Supervisor Jane, in an effort to hire Employee Joe, tells Employee Jack that he should not apply for a position because he is not qualified and will never be selected. Employee Jack is qualified.
- \* Take a personnel action against any employee because of whistle blowing. EXAMPLE: Supervisor Joe directs the geographic reassignment of Employee Jack because Jack reported safety violations to the agency's Inspector General.
- \* Take a personnel action against an employee because of the exercise of an appeal, complaint, or grievance right. EXAMPLE: Supervisor Jane places Employee Jack on an undesirable detail because Employee Jack filed an administrative grievance about his performance rating.



- \* Discriminate against an employee on the basis of conduct, which does not adversely affect the performance of the employee (including discrimination based on sexual orientation). EXAMPLE: Supervisor Joe fires Employee Jack because he saw Employee Jack at a local Gay Pride Day event.
- \* Take or fail to take a personnel action, if such action would violate a veterans' preference requirement. Example: Supervisor Jane hired Employee Jack, without considering Veteran Jennifer, who was included on the list of eligible employees. (OSC's jurisdiction is for disciplinary actions only; the Dept. of Labor has jurisdiction to investigate for corrective actions.)
- \* Take a personnel action against an employee that violates a law, rule, or regulation that implements a merit systems principle. EXAMPLE: Supervisor Joe terminates the probationary appointment of Employee Jack because of Jack's letter to the editor criticizing affirmative action a valid exercise of First amendment rights, a law implementing a merit system principle.
- \* Engage in nepotism. EXAMPLE: Second-level Supervisor Jane asks First-level Supervisor Joe to hire her son.

"The train of failure usually runs on the track of laziness."

# <u>DEPARTMENT OF THE ARMY IS PLEASED TO OFFER</u> "THE WORK NUMBER FOR EVERYONE(c)"

Effective December 4, 2000, all requests for employment and salary information should have been directed to "The Work Number for Everyone(c)," an automated employment verification service that allows you to have your employment and salary verified within a matter of minutes. This fast, secure service is used for mortgage applications, reference checks, loan applications, and apartment leases - anything you need that requires proof of employment. It is quick, accurate and, best of all, it's easy.

"The Work Number for Everyone(c)" will speed up this process by giving you and your verifier access to employment information 24 hours a day, 7 days a week. "The Work Number for Everyone(c)" is a cost-effective and environmentally smart way for Department of the Army employees to have their employment verified confidentially.

You may also visit our website at <a href="http://cpol.army.mil/library/benefits/talx">http://cpol.army.mil/library/benefits/talx</a> where detailed brochures are available. To speak with a Work Number Customer Service Representative for more information, call 1-800-996-7566 (Voice) 1-800-424-0253 (TTY/Deaf). Automated Help is available 24 hours per day. Customer Service Representatives are available 7:00 am until 8:00 pm CST, Monday-Friday.

"Blessed are those who can give without remembering, and receive without forgetting."

## NON-APPROPRIATED FUND EMPLOYEES

Did you know that Non-appropriated Fund (NAF) employees are located in the Aberdeen and Edgewood Areas of Aberdeen Proving Ground, MD?

They perform a wide-range of functions to help soldiers and their families, civilian employees and retirees.



You will find NAF employees working in areas such as Arts & Crafts; Auto Crafts; Bowling Center; Child Care; Golf Program; Gym and Fitness Centers; Outdoor Recreation Program, which includes Chesapeake Challenge, Equipment Resource Center, and Swimming Pools; Recreation Centers; Support Services; Top of the Bay and Army Lodging.

NAF employees work normal schedules; however, some positions require working mornings, evenings and weekends to insure full service is provided to our customers. We hire many seasonal employees and highly recommend having your friends and families consider employment opportunities with us!

The NAF Civilian Personnel Office is located in Building 305, Lower Level. Job vacancies and application forms may be accessed at: <a href="www.apg.army.mil">www.apg.army.mil</a>. You would then select: Garrison; Civilian Personnel; Job Opportunities; Non-appropriated Funds. Please call 410-278-5126/5127 if you have any questions or need assistance.

Current NAF employees may want to access the following web site for information pertaining to their benefits, 401k plan, and long-term insurance: www.nafbenefits.com

"Nobody ever listens themselves out of a job."

#### **DESIGNATION OF BENEFICIARIES**

Federal employees have four separate Designation of Beneficiary forms that they may wish to complete.

SF 2823 – Designation of Beneficiary for FEGLI.

SF 1152 – Designation of Beneficiary for Unpaid Compensation.

TSP 3 – Designation of Beneficiary for Thrift Savings Plan.

SF 2808 – Designation of Beneficiary for CSRS and SF 3102 – Designation of Beneficiary for FERS amounts contributed to the retirement system and not recovered assuming that there is no one eligible for a monthly survivors benefit.

It is the employee's responsibility to complete the appropriate Designation of Beneficiary form and to assure that the designation continues to be correct. Employees frequently assume that if their marital status changes, the designated beneficiary also changes – it doesn't. For example, a single employee designates a family member or friend and later marries. Unless the employee changes or cancels the designation of beneficiary, when the employee dies, the designated beneficiary, not the spouse, would receive the designated amount. A Will does not supersede the designation of beneficiary.

"The ideas that have lighted my way have been kindness, beauty, and truth."

Albert Einstein



#### CIVILIAN DEPLOYMENT / MOBILIZATION

With the continuing deployments and mobilizations of civilian employees to Iraq and Afghanistan, we need to remember to take care of them before they leave and while they are gone. Everyone has a role in this process. Below is a list of things to remember.

#### **EMPLOYEE:**

• Contact your CPAC HR Specialist for a counseling appointment.

#### **SUPERVISOR:**

- Ensure the employee knows the POC for time card information.
- Ensure the employee knows the POC for pay problems.
- Ensure the employee notified the timekeeper if his/her tour of duty has changed.
- Keep employee on office distribution. Ensure employee continues to receive office emails, etc.
- Keep in contact with employee on special occasions (holidays, birthday, etc).
- Keep employee informed of promotion opportunities.
- Ensure employee's appraisal is completed if one is due.
- Inform the employee of other employees that have also been deployed/mobilized. This will give the employee a POC if they have questions regarding living conditions, etc.

## **CPAC HR SPECIALIST:**

• The CPAC HR Specialist counseling session will consist of:

# **DEPLOYMENT:**

- Soldier Readiness Process.
- Bi-weekly salary cap.
- Beneficiary forms.
- Pay entitlements (Danger pay, post allowances, etc).
- CIVTRACKS.
- Emergency POC.
- MYPAY.
- Advise the employee to leave a copy of his/her passport/CAC card with someone stateside.

#### **MOBILIZATION:**

- LWOP-US status.
- Benefits (FEHB, FEGLI, TSP).
- Beneficiary forms.
- Military Leave.
- 5-Days of Excused Absence.

If you have any questions regarding civilian deployment or mobilization, please contact your CPAC HR Specialist.

"A good laugh is Sunshine in a House"



#### SUPERVISOR'S CORNER

#### CHANGES IN PROCESSING INCENTIVE AWARDS FORMS

Currently, a Request for Personnel Action (RPA) along with the Gatekeeper Checklist is submitted and routed to the Northeast Civilian Personnel Operations Center (NECPOC) for processing monetary awards. Effective 8 December 2004, the NECPOC is implementing a new automation tool called "AutoNOA." This tool will process RPAs for monetary, time-off, rating based, and Quality Step Increase (QSI) performance based awards automatically. RPAs for these awards will continue to be submitted and routed as normal. However, since the program will extract needed information from the RPA, the Gatekeeper Checklist will no longer be required for these type of actions. In lieu of the Gatekeeper Checklist, specific information will be required in Part D-Remarks of the RPA. Step-by-step instructions for completing an award RPA using AutoNOA can be found on the CPAC WEB page located at <a href="http://www.apg.army.mil/cpac/index.html">http://www.apg.army.mil/cpac/index.html</a>. This change will not affect mass awards submitted on a spreadsheet. Prior to submitting an RPA for performance-based awards, the originator needs to ensure that the current appraisal has been posted in DCPDS, which is viewable via the Army Regional Tools (ART) under Employee Data.

There will come a day when you'd trade all of your tomorrows for a single yesterday. Enjoy those "yesterdays."

# HONORARY AWARDS

The DA Form 1256 (Incentive Awards Nomination and Approval) continues to be used for Honorary Awards. The signed DA Form 1256 must be submitted to the NECPOC for input into the Awards section of Employee Data in DCPDS. This submission will ensure the employee's personnel data is updated with the appropriate award.

"Sympathy is never wasted, except when it is on yourself."

# CHANGE IN GUIDANCE ON "ABSOLUTE" PERFORMANCE STANDARDS

An absolute standard is one under which a single incident of poor performance will result in an unsatisfactory rating on a critical element. The Merit Systems Protection Board (MSPB) has adopted the reasoning of a Court decision in interpreting 5 U.S.C § 4302 (b)(1) and changed the Board's long standing in prohibiting "absolute" performance standards. The implication is that for performance-based actions, the Board would no longer invalidate an agency's absolute or near-absolute performance standards. Supervisors may now set performance standards as high as appropriate, so long as those standards are objective, have been communicated to the employee in advance, and meet the other express requirements of 5 U.S.C. § 4302 (b)(1).



5 U.S.C. § 4302 (b)(1) provides guidelines for establishing performance standards. It reads:

"Establishing performance standards which will, to the maximum extent feasible, permit the accurate evaluation of job performance on the basis of objective criteria (which may include the extent of courtesy demonstrated to the public) related to the job in question for each employee or position under the system."

For the last 20 years, the Board interpreted this language as prohibiting an absolute standard. As first stated in Callaway v. Department of the Army, 23 M.S.P.R 592 (1984), and in later decisions for this line of cases, the Board determined that an agency is not permitted to evaluate an employee's performance under a standard that requires the employee to achieve an absolute or unreasonably high level of performance.

Since Callaway, the Board's case law has been unchanged until the U.S. Court of Appeals for the Federal Circuit clarified in Gullebeau v. Department of the Navy, 362 F.3d 1329 (Fed. Cir. 2004), that the plain language of § 4302 (b)(1) does not bar absolute standards. The Court's review of the legislative history also indicates that there is no congressional intent to prohibit absolute standards. The Court concluded that performance standards, absolute or otherwise, "must be reasonable, based on objective criteria, and communicated to the employee in advance." A link to this case is provided for your use <a href="http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=Fed&navby=case&no=033220">http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=Fed&navby=case&no=033220</a>.

In August 2004, the Board reopened the appeal of Jackson v. Department of Veterans to address its case law concerning performance standards. In its analysis, the Board stated that it agrees with the court's reasoning in Gullebeau and that 5 U.S.C. § 4302 (b)(1) does not preclude the use of absolute performance standards, so long as those standards are objective and tailored to the specific requirements of the position. The Jackson case is on the MSPB web site at http://www.mspb.gov/decisions/2004/jackson\_at020232i1.html.

The bottom line is the standards can be "tighter" but the "reasonableness" litmus test must still be applied. Supervisors must be extremely careful in setting absolute standards and they should only be used in rare situations, e.g. safety, security. Remember, an absolute standard is taken out of the equation when determining the employee's appraisal rating.

"Live as if you were to die tomorrow, learn as if you were to live forever."

Gandhi

# TOTAL ARMY PERFORMANCE EVALUATION SYSTEM (TAPES)

The annual rating is rendered at the end of an appraisal period. An employee must have worked under an approved performance plan before they may receive an appraisal. Annual appraisals are due in the Civilian Personnel Operations Center as soon as practical after the end of the rating period, but at least within 45 days. Performance plans are attached to the appraisal while being processed.

The following guidance explains how to prepare the annual rating when the employee or the rating official departs before the end of the rating cycle.

Change in Rating Official: If an employee has been assigned standards over 120 days and the supervisor leaves within 120 days of the annual appraisal due date, then he or she must officially close out the employee's annual rating, what is commonly known as an "early annual." The DA 7223 (Base System Civilian Evaluation Report) or DA 7222 (Senior System Civilian Evaluation Report) is completed and signed. It is then discussed with the ratee. If more than 120 days remain in the rating cycle, a special rating is prepared.



A special rating is not a rating of record for official purposes, but serves only as information for the new supervisor to use when he/she does the annual rating.

"Don't pray for rain if you're going to complain about the mud."

# REMINDER FOR SELECTING OFFICIALS

When making a selection from an internal or DEU referral list, please remember to send a copy of the referral list with your selection to your CPAC POC at the same time you return the referral list to the CPOC.

The CPAC inprocesses new employees and must ensure all required paperwork is ready for the new employee in addition to ensuring all required criteria for the position are met, such as physicals, security clearances, etc. Any questions regarding these issues may be directed to your CPAC HR Specialist.

"A multiplicity of words indicates poverty of thought."

#### LEAVE AND EARNINGS STATEMENT (LES)

Employees are reminded that it is their responsibility to check their Leave and Earnings Statement to verify the correct deductions are being withheld for their benefits.

These benefits include Thrift Savings Plan (TSP), Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI). All deductions are listed on your LES under "Deductions" and include the dollar amount. Your TSP is also listed in Block #22 on the LES with either your percentage or dollar amount that you elected to contribute. If you have a TSP Loan, this would also be listed under deductions with your TSP Loan number.

Transfers to the installation are strongly encouraged to double-check all deductions to make sure everything has transferred with no interruption. FEGLI Open Season changes will not be reflected since they are not effective until September 2005.

Point of contact is your servicing CPAC HR Specialist.

"Real friendship is shown in times of trouble; prosperity is full of friends."

Euripedes

//s//
DIANE J. SMITH
Director, Civilian Personnel Advisory Center



#### **Notes:**

December 2004

- Questions about information in the Bulletin should be directed to your designated CPAC representative, in the absence of cited POC.
- The Bulletin Editor (C.W. Watson) welcomes your opinions, ideas, and suggestions. Correspondence from individuals and organizations is welcome. All correspondence must have the name and location of the originator, in the event there is a need to reach the author for additional information.



"Sharing what you have is more important than what you have."

George Herbert